

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

23.10 OCCUPATIONAL EXPOSURE TO ASBESTOS

Date Issued: April 30, 1997

I. Background:

OSHA amended the Occupational Exposure to Asbestos Standards for general industry, construction, and shipyard industry on August 10, 1994 with corrections issued on June 29, 1995 and September 29, 1995. The asbestos standard in WAC 296-62-077 was revised to reflect changes to the federal standards as well as to meet the legislatively driven changes to the asbestos certification law, RCW 49.26, in ESB 5397. The asbestos certification law was revised to reflect changes made in the EPA model accreditation plan requirements for asbestos on February 3, 1994.

The major revisions to WAC 296-62-077 include:

- Reduction of the time-weighted-average (TWA) permissible exposure limit (PEL) to 0.1 fibers per cubic centimeter for all occupational exposures to asbestos in all industries.
- Creation of a classification scheme for asbestos construction and shipyard industry work which ties mandatory work practices to work classification.
- Presumptive asbestos identification requirements for asbestos-containing materials (ACM).
- Notification requirements for employers who use unlisted compliance methods in high risk asbestos abatement.
- Mandatory methods of control for brake and clutch repair.

Subsequent to the adoption of the Asbestos Final Rule in 29 CFR Parts 1910.1001, 1926.1101, and 1915.1001, OSHA has issued the following compliance memorandums establishing procedures and policies to ensure uniform application of the standards:

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- CPL 95-3 Revised Compliance Policy: Occupational Exposure to Asbestos - Roofing Industry Settlement.
- CPL 95-9 Occupational Exposure to Asbestos - Flooring Industry Settlement.
- CPL 2-2.63 Inspection Procedures for Occupational Exposure to Asbestos Final Rule.

The settlement agreements and policy memorandums constitute federal program changes requiring state adoption of identical or equivalent policies. This WISHA Regional Directive (WRD) will replace the previously existing WRD 88-1A Inspection Procedures for the Asbestos Standard and WRD 92-4 Asbestos Abatement Scheduling System. Also, it will incorporate and replace previously existing WISHA policy memorandums regarding the evaluation of certification and abatement requirements for asbestos containing flooring and roofing materials and cement asbestos board.

II. Scope and Application:

- A. This WRD, which will remain in effect indefinitely, applies to WISHA inspections and consultations related to occupational exposure to asbestos and to the Asbestos Certification Program.

This WRD **replaces WRD 88-1A** Inspection Procedures for the Asbestos Standard, which is hereby repealed.

This WRD **incorporates and modifies** the substance of **WRD 92-4** Asbestos Abatement Scheduling, which is hereby repealed.

This WRD provides uniform guidance in the application and interpretation of safety and health rules related to **all occupational exposure to asbestos** in WAC 296-62-077 and to the asbestos certification of WAC 296-65.

- B. WAC 296-65, Safety Standards for Asbestos Removal and Encapsulation and WAC 296-62-077 apply to all occupational exposures to asbestos in **all industries**. However, there are **specific sections** or subsections of these rules that **apply only to general industries** and only to **construction** and **shipyard** work. Also, specific provisions affect **homeowners** and **building owners**.

Special consideration and attention must be given to the part of WAC 296-62-077 which applies to a specific work activity. In WAC 296-62-07701, construction work is defined by reference to WAC 296-155-012 and shipyard work is defined by reference to WAC 296-304-01001.

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1. The following sections and subsections have specific application designated to an **industry by work activity**:

WAC 296-62-07706(2), (3), (4), and (5)	Construction and shipyard work only.
WAC 296-62-07709(2)	General industry application only.
WAC 296-62-07709(3)	Construction and shipyard work only.
WAC 296-62-07711(8)	Construction and shipyard work only.
WAC 296-62-07712	Construction and shipyard work only.
WAC 296-62-07713	General industry application only.
WAC 296-62-07717(4)	Construction and shipyard only.
WAC 296-62-07719(3)	Construction and shipyard work only.
WAC 296-62-07721(1)	General industry application only.
WAC 296-62-07721(2)	Construction and shipyard work only.
WAC 296-62-07723(7)	Construction and shipyard work only.
WAC 296-62-07728	Construction and shipyard work only.

2. Any direct references or requirements for **Class I, Class II, Class III, and Class IV imply construction and shipyard work only**. WAC 296-62-07712 has specifically classified construction and shipyard work activities into these four classes based on the potential of those activities to result in exposure to asbestos. An example is found in WAC 296-62-07715 where respiratory protection applies to all industries and work activities, but specific requirements for Class I, Class II, Class III, and Class IV work are also identified.
3. All other sections and subsections not designated "general industry only" or "construction and shipyard work only" apply to **all industries** and to all occupational exposures to asbestos.
4. There is a **mandatory appendix** for **general industry** only in WAC 296-62-07745, **Appendix F**, Work Practices and Engineering Controls for Automotive Brake and Clutch Inspection, Disassembly, Repair, and Assembly.

C. WAC 296-62-07721, Communication of Hazards to Employees, has specific requirements for building, facility, and vessel **owners** and their **agents**.

1. Building, vessel, and facilities owners have the responsibility to notify contractors and tenants of the presence of asbestos-containing materials and presumed asbestos-containing materials (ACM/PACM) even though the **employees at risk are not the owner's direct employees**. WAC 296-62-07721 requires building, facility, and vessel owners to **notify in writing** the following persons of the presence, locations, and quantity of ACM or PACM:

- a. Prospective employers applying or bidding for work in or adjacent to the areas containing asbestos;
 - b. The owner's employees who work in or nearby these areas;
 - c. Other employers on multi-employer worksites with employees working in or adjacent to the area; and
 - d. Tenants who will occupy the areas containing such materials.
2. The definition of **"owner"** includes **lessee** in WAC 296-62-07703. However, the owner is not exempted from notification requirements by allowing a lessee to comply. The owner may transfer the management of the building to a long term lessee. When the lease is terminated, the records are to be transferred to the owner.
- D. RCW 49.26 expresses certain obligations of a **"person"** beyond the definition of employer found in RCW 49.17.020(3).
- 1. WAC 296-65-003 defines "person" as any individual, partnership, firm, association, corporation, sole proprietorship, or the State of Washington or its political subdivisions.
 - 2. Provisions for persons or individuals in WAC 296-65 go beyond the limitation of the scope of an employer-employee relationship.
 - 3. WAC 296-65-020 and WAC 296-65-030 have requirements applicable to persons who are subject to WISHA citations.
- E. Specific considerations for **homeowners** are found in WAC 296-62-077 and in WAC 296-65.
- 1. The definition of owner in WAC 296-62-07703 and WAC 296-65-003 does not include homeowners who work on their own private homes no part of which is used for commercial purposes.
 - 2. All other requirements related to **"person"** or **"individual"** in WAC 296-65 apply to homeowners. Examples of such applications are the notification requirements in WAC 296-65-020(1) and the certification requirements in WAC 296-65-030(1), WAC 296-65-030(3), and WAC 296-65-030(4). Homeowners are subject to WISHA citations for violations of these provisions in WAC 296-65.

- F. WAC 296-62-07721 has specific requirements for the **identification of ACM or PACM**.
1. ACM and PACM.
 - a. WAC 296-65-001 and WAC 296-62-07703 define ACM as any materials containing more than **1** percent asbestos.
 - b. PACM.
 - (1) Thermal system insulation and surfacing materials are PACM if installed no later 1980 (WAC 296-62-07703).
 - (2) The designation of PACM may be rebutted by the provisions of WAC 296-62-07721(3).
 - c. The provisions for labels in WAC 296-62-07721(7) has a threshold of 0.1 percent by weight. Labels are not required for a product containing less than **0.1** percent asbestos by weight.
 2. Good faith inspection and identification.
 - a. RCW 49.26.013 requires that a good faith inspection be performed when any owner or owner's agent allows or authorizes any construction, renovation, remodeling, maintenance, repair, or demolition project which has a reasonable possibility of disturbing or releasing asbestos into the air.
 - (1) A **good faith inspection** is to determine whether the proposed project will disturb or release any material containing asbestos into the air.
 - (2) The good faith inspection is performed by an **EPA accredited inspector**.
 - (3) A good faith inspection is not required if owner or owner's agent is reasonably certain that asbestos will not be disturbed or assumes that asbestos will be disturbed by the project.
 - (4) Each inspection or assumption statement is **documented by a written report**. The report is to be posted and accessible to employees.

- b. In addition to the good faith inspection requirements from RCW 49.26, OSHA derived rule changes have added requirements regarding the identification and notification of the presence of ACM or PACM.
 - (1) The notification requirements are more specific than the good faith inspection in that the presence, location, and quantity of ACM/PACM must be determined.
 - (2) **Notification is in written form** and retained as records for documentation.
 - (3) Performance of a good faith inspection does not replace the notification requirements.

III. Interpretive Guidance (Summary of Certification and Training Requirements for Asbestos Work):

- A. Training requirements for asbestos work can be found in WAC 296-65, WAC 296-62-07722, and WAC 296-62-07728.
 - 1. WAC 296-65 defines the general scope of certification requirements and uses the definitions, "asbestos project" and "asbestos abatement project" to define general certification requirements.
 - 2. WAC 296-62-07722 defines general training requirements for asbestos work and integrates the certification requirements into the asbestos work classification scheme (Class I, Class II, Class III, and Class IV).
 - 3. WAC 296-62-07728(4) defines certification and training requirements for the competent person.
- B. **General training specifications** for all employees with occupation exposure to asbestos.
 - 1. All required training is to be provided **prior to or at the time of initial** assignment to work in an area where ACM or PACM are present.
 - 2. All required training is provided **at least annually**.
 - 3. All employees excluded from certification requirements are provided training regardless of their exposure levels.

- 4. Training is to be provided at no cost to the employee.

5. Training must at a minimum contain the information required in WAC 296-62-07722(5).
 6. **Appendix B** has a **summary** of WISHA and EPA training requirements.
- C. **Methodology** to determine certification and training requirements.
1. **WISHA** certification and training requirements **differs from OSHA** training requirements because state specific provisions are established in RCW 49.26 and WAC 296-65.
 - a. OSHA's training scheme is based on work classification for construction and shipyard work. General industry work is based on the PEL and whether housekeeping work is being done.
 - b. WISHA certification is based on definitions not related to work classification. "**Asbestos project**" is defined in RCW 49.26.100(1) to mean "the construction, demolition, repair, maintenance, remodeling, or renovation of any public or private building or mechanical piping equipment or systems involving the demolition, removal, encapsulation, salvage, or disposal of material, or outdoor activity, releasing or likely to release asbestos fibers into the air."
 2. Certification requirements are based on the definition of **asbestos project** in WAC 296-65-003, not work classification. **Certification is required** if:
 - a. The condition of the ACM is not intact;
 - b. The ACM is damaged, or deteriorated;
 - c. Mechanical methods are used such as chipping, grinding, sawing, or sanding on ACM;
 - d. The employee performs Class II work requiring the use of critical barriers and/or negative pressure enclosures, see WAC 296-62-07722(3)(b)(ii);
 - e. Disturbance of **1** square foot or more of ACM will release or is likely to release asbestos fibers into the air;

- f. If there is disturbance of pipe insulation the "less than **1** square foot" exclusion does not pertain to any disturbance of asbestos dealing with pipe insulation; or
 - g. Class II asbestos work involves more than one generic category of ACM.
3. **Exceptions** to worker certification may be used if:
- a. The exception is directly specified in WAC 296-65-003 or WAC 296-62-07722(3) and (4);
 - b. The ACM is intact and is not damaged or deteriorated;
 - c. An "initial exposure assessment" or "initial air monitoring" has been made according to the requirements of WAC 296-62-07709;
 - d. Mechanical methods such as chipping, grinding, sawing, or sanding will not be used on the ACM;
 - e. Critical barriers, enclosures, or isolation of processes producing asbestos containing dust, and/or negative pressure enclosures are not required by WAC 296-62-07712 or WAC 296-62-07713;
 - f. Intact ACM are removed according to the required work practices, controls, respiratory protection, and related provisions of WAC 296-62-077; and
 - g. Alternative training as specified in WAC 296-65-003 and WAC 296-62-07722 has been provided.
4. **Exceptions** to worker certification are specified in WAC 296-65-003 in the definition of asbestos project and in WAC 296-62-07722(3) and (4):
- a. WAC 296-65-003 excludes asbestos work of less than **1** square foot of ACM. This exclusion does not apply to pipe insulation.
 - b. WAC 296-65-003 excludes asbestos work involving **asbestos-cement water pipe if** approved training and procedures are used.
 - c. WAC 296-65-003 excludes the intact removal of **intact vinyl floor tile** and **intact roofing materials**. Mechanical methods are prohibited for

this exclusion to worker certification. Training is specified for this exclusion in WAC 296-62-07722(3)(b).

- d. WAC 296-62-07722(3)(b) excludes the removal of intact asbestos containing material for Class II asbestos work.
 - (1) This applies to Class II asbestos work involving **one generic category** of intact ACM such as intact roofing material, bituminous or asphaltic pipeline coatings, intact flooring or decking materials, siding materials, ceiling tiles, or transite panels.
 - (2) If an employer conducts Class II asbestos work involving **more than one generic category of ACM**, worker certification is required.
 - (3) Employees performing Class II work excluded from certification are required to have eight hours of training as required by the provisions of WAC 296-62-07722(3)(b).
 - (4) Appendix D has a training course outline that meets the eight-hour training course specified in WAC 296-62-07722(3)(b) for the removal of intact roofing materials.
 - (5) Appendix E has a training course outline that meets the eight-hour training course specified in WAC 296-62-07722(3)(b) for the removal of intact flooring materials.
- e. WAC 296-62-07722(4) excludes Class III and Class IV asbestos work that is **not** an "asbestos project" from worker certification.
 - (1) This would exclude from worker certification any work that is less than **1** square foot of ACM except for pipe insulation.
 - (2) Any ACM of **1** square foot or more of total surface area that is damaged or deteriorated, in the form of dust, debris, and waste that is not intact, or in a condition that is not intact requires worker certification.
 - (3) Employees performing Class III and Class IV work not considered an "asbestos project" shall be trained according to the provisions of WAC 296-62-077(4)(b) and (c).

- f. WAC 296-62-07722(6) requires that employers shall also provide **asbestos awareness training** to all employees performing housekeeping operations in a facility that contains ACM.
 - (1) This provision applies if work activity is not an asbestos project or not a Class I, Class II, Class III, or Class IV activity.
 - (2) Awareness training is required for all employees who are or will work in areas where ACM or PACM is present.
 - (3) Training is to be provided once a year.

IV. Special Inspection Protocols:

The following guidance provides the general framework to assist the Compliance Safety and Health Officer (CSHO) in conducting an inspection:

- A. The CSHO shall request that the employer provide copies of the **initial exposure assessment** and any monitoring data that may be available for review prior to the walk-around. This provides the CSHO with the basic information necessary to make the appropriate choice of personal protective equipment (PPE).
 - 1. If the employer has relied upon objective data, additional time may be needed to locate and review these data. If the material is not readily available, the CSHO shall presume initially that potential for over-exposure to ACM exists and shall evaluate the work area to select appropriate entry procedures.
 - 2. As a time-saving measure, the CSHO shall request during the opening conference that the employer begin collecting other required documents such as medical surveillance records, training records, respiratory protection program, etc. for all affected employees.
 - 3. For general industry activities where the PELs are exceeded, the employer is required to have established a written compliance program according to WAC 296-62-07713(3). The CSHO shall request this document and review it at a later time.
- B. The CSHO shall determine whether the required **training** and **certification** are provided for employees performing asbestos work or having occupational exposure to asbestos.

1. The CSHO shall verify that employees conducting work as an "asbestos project" are current certified asbestos workers. All employees performing asbestos work on an "asbestos project" are required to have **valid and current asbestos certificates** available for inspection at all times, see WAC 296-65-010(6).
2. For asbestos work **excluded** from certification:
 - a. The CSHO shall verify that the asbestos work is not an asbestos project.
 - (1) Determine that the employer has conducted a "negative exposure assessment" or "initial air monitoring" indicating employee exposure is below the PEL.
 - (2) Determine that the ACM is in a intact state prior and during work activity.
 - b. The CSHO shall determine if there is sufficient documentation, through employee interviews and review of training records, that alternative training was provided.
- C. For **asbestos abatement projects**, an asbestos project involving **3 square feet** or **3 linear feet** or more of ACM, the CSHO shall determine whether the requirements of WAC 296-65-030, Methods of Compliance, have been met by verifying that:
 1. Before submitting a bid or working on an asbestos abatement project, the employer, person, or individual has obtained an asbestos contractor certificate as provided in WAC 296-65-017.
 2. At least one certified supervisor is present on asbestos abatement project.
 - a. The asbestos abatement project shall have direct, on-site supervision by a certified asbestos supervisor.
 - b. If an asbestos abatement project is conducted by an employer in its own facility by its own employees, supervision can be performed in the regular course of a certified supervisor's duties. Access to a certified asbestos supervisor shall be maintained throughout the duration of the project.

- c. For asbestos contractors, at least one certified supervisor must be employed to be responsible for supervising all asbestos projects.
- D. The CSHO shall review the **notice of an asbestos project** required in WAC 296-65-020 for all asbestos projects involving **more than 48 square feet** or **10 linear feet** of ACM.
 - 1. The written notification shall meet the requirements of WAC 296-65-020(1) in content and accuracy, and be submitted to the department no later than **10 days prior to the project**.
 - 2. **Waiving the prenotification** requirement of WAC 296-65-020(2) shall be approved by the Industrial Hygiene Regional Supervisor (IHRS) in the region office having jurisdiction on the project.
 - a. Prenotification can be waived for owners of **large-scale** and **ongoing projects** as per WAC 296-65-020(4). Employers can submit annual notices to the department for ongoing or unscheduled maintenance work upon approval of the IHRS.
 - b. The IHRS may waive prenotification for **emergency projects**. Planning errors by contractors are not emergencies. The IHRS shall exercise good judgment in determining if an emergency exists.
 - 3. The CSHO shall determine whether a violation of WAC 296-65-020(1) exists if there has been incremental phasing of the asbestos project to avoid the notification threshold. The CSHO shall consult with the IHRS to decide whether the intent of the individual or employer is to avoid the notification requirements.
- E. The CSHO shall review the **good faith inspection report** if required and shall determine whether the notification and communication of hazard requirements of WAC 296-62-07721 have been completed.
- F. The CSHO shall review whether the employer is meeting the **respiratory protection requirements** for employees conducting asbestos work. A series of decision-logic charts have been included in Appendix A to assist with evaluating compliance with the respirator selection requirements of the standard.
- G. Classification and grouping of violations shall be according to the procedures and policies outlined in the WISHA Compliance Manual.

- H. Authorization to review medical information related to compliance with the asbestos standard: CSHO under the direction of the IHRS are authorized to review medical records and medical opinions according to the provisions of WAC 296-62-052, Access to Employee Exposure and Medical Records and the procedures found in the most recent issuance of the department's WRD related to access, review, and handling of specific employee exposure and medical records and related data.
- I. **Guidelines and clarifications** relating to specific provisions of WAC 296-65 and WAC 296-62-077 are **provided in the appendices** attached to this WRD to assist CSHOs in conducting inspections.
 - 1. **Appendix A**, Asbestos Regulation Summary. Summary of requirements for construction and shipyard asbestos work activities. This includes charts related to classification and specific requirements for asbestos work, requirements for roofing work, and **decision logic charts** covering selection of respiratory protection.
 - 2. **Appendix B**, Summary of **WISHA/EPA Training Requirements**. This includes an outline of WISHA and EPA training requirements for asbestos work and a **chart** indicating asbestos training requirements for each class of asbestos work.
 - 3. **Appendix C**, **Questions and Answers**.
 - 4. **Appendix D**, Training Course Outline for the Removal of Intact Roofing Materials.
 - 5. **Appendix E**, Training Course Outline for the Removal of Intact Resilient Floor Coverings.

V. Asbestos Abatement Scheduling System:

This section establishes a policy for scheduling inspections of asbestos projects. The asbestos abatement scheduling system generates programmed inspection activity on asbestos projects. The scheduling system is driven by the written prenotifications received by the department as required in WAC 296-65-020. These notices are submitted to the regional offices of the department to establish a regional file of asbestos abatement activity.

- A. The IHRS will review each notice to evaluate employer history and recent inspection activity (six months or less) of the employer.

- B. The following **scheduling guidelines** will be used by the IHRS to assign programmed asbestos inspections:
1. If compliance history is good and no violations are issued during recent inspection activity, no inspection will be scheduled.
 2. If recent inspection activity has open abatement dates and compliance history is significant, the employer shall be scheduled for a follow-up inspection.
 3. All remaining notices shall be used by the IHRS to develop an inspection scheduling list for each respective region. Notices shall be ranked and prioritized into an inspection scheduling list based upon:
 - a. Extent of compliance activity of the employer; and
 - b. Characteristics of the abatement project.

VI. Training for Labor and Industries Personnel:

For all inspections where asbestos exposures are expected to be above the TWA or excursion limit or where Class I, Class II, Class III, and Class IV asbestos work is being conducted, only experienced and properly trained CSHOs shall perform the on-site asbestos evaluation.

- A. CSHOs are expected to be knowledgeable of the:
1. Potential hazards which may be encountered at the site, including the potential hazards of asbestos, as well as the relationship between smoking and asbestos in producing lung cancer.
 2. The contents of the asbestos standards including this WRD and its appendices.
 3. Appropriate PPE to be worn. Each CSHO who will be expected to use PPE shall be trained in the proper care, use, and limitation of the PPE. Use of respiratory protection by CSHOs is contained in the internal safety and health program respiratory protection policy, the most recent version of Safety and Health Policy 4.08.
 4. Emergency procedures.
 5. Disposal of asbestos-related waste generated by the CSHO and decontamination procedures.

- B. CSHOs inspecting asbestos abatement projects shall be trained to the equivalent of the content of the Washington asbestos worker training course in WAC 296-65-005.
- C. CSHOs shall meet the requirements of the most recent version of Labor and Industries Internal Safety and Health Program Policy 4.14 on Asbestos/Hazardous Waste.

VII. Medical Examination for Compliance Personnel:

- A. Many of the other hazards that the CSHOs may encounter are already regulated by the medical surveillance requirements in other WISHA standards and the department's internal safety and health program's medical surveillance program. In addition, the regional Safety and Health Coordinator and the IHRS are responsible for CSHO participation in the medical surveillance program. For the implementation of the CSHO medical examination program, see the most recent version of Safety and Health Policy 7.00 (Medical Surveillance).
- B. For CSHOs who are required to wear any respiratory protection, PPE shall be medically cleared via the CSHO physical examination procedures in the internal safety and health program's medical surveillance program.

VIII. Protection of Compliance Personnel:

- A. PPE.
 - 1. IHRSs and regional Safety and Health Coordinators shall ensure that appropriate PPE is available for and used by the CSHO.
 - 2. Respirators shall be selected and worn in accordance with the most recent version of the internal safety and health program respiratory protection policy 4.08(a). Respirators are selected in accordance with the provisions of WAC 296-62-071 and WAC 296-62-07715. CSHOs shall be provided semi-annual fit-testing in accordance with WAC 296-62-7715(5)(B) when using negative pressure respirators.
 - 3. When the CSHO enters a regulated area, disposable coveralls, head covering, foot covering, and gloves shall be worn.
- B. Decontamination procedures for compliance personnel:

1. Prior to entry of a regulated area, CSHOs shall determine if decontamination facilities exist, whether they are adequate for the expected conditions of the site, and if they will be available for use.
2. When a CSHO enters areas at the worksite where WAC 296-62-077 requires decontamination, then the CSHO shall also utilize decontamination procedures.
3. In the event that decontamination facilities are nonexistent, inadequate, or not available for use, the CSHO shall contact the supervisor to determine if adequate decontamination can be provided.

C. Entry into negative pressure enclosures and containment areas:

1. When entering into containment areas requiring air-supplied respirators or powered air-purifying respirators (PAPR), the CSHO shall consult with the IHRS to determine if entry is necessary. CSHOs shall be trained in the use of the specific supplied-air respirators used and comply with the most current provisions of the internal safety and health respiratory protection policies.
2. In the event decontamination facilities are nonexistent, inadequate, or not available for use, the CSHO shall determine if adequate decontamination can be provided. If the CSHO determines that decontamination cannot be adequately provided, entry shall not occur and the IHRS shall be contacted for guidance.

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